



PATENT APPLICATION

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q92533

Stephane BERANGER, et al.

Appln. No.: 10/563,907

Group Art Unit: Unknown

Confirmation No.: 5454

Examiner: Unknown

Filed: January 10, 2006

For: FLUID PRODUCT DISPENSING HEAD

**SUBMISSION OF INTERNATIONAL PRELIMINARY
EXAMINATION REPORT (IPER)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

For the Examiner's convenience, enclosed herewith is a copy of the English translation of the International Preliminary Examination Report (IPER). It is noted that the two references cited in the International Search Report were previously submitted to the U.S. Patent and Trademark Office with an Information Disclosure Statement on January 10, 2006, and are therefore not enclosed herewith.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 24, 2006

Expéditeur : le BUREAU INTERNATIONAL

PCT

NOTIFICATION DE TRANSMISSION DE COPIES
DE LA TRADUCTION DU RAPPORT D'EXAMEN
PRELIMINAIRE INTERNATIONAL
SUR LA BREVETABILITE (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

Destinataire :

CAPRI
33, rue de Naples
F-75008 Paris
FRANCE



| | |
|---|---|
| Date d'expédition (jour/mois/année) 08 juin 2006 (08.06.2006) | |
| Référence du dossier du déposant ou du mandataire VALS 929 B PCT | NOTIFICATION IMPORTANTE |
| Demande internationale n° PCT/FR2004/001789 | Date du dépôt international (jour/mois/année) 08 juillet 2004 (08.07.2004) |
| Déposant VALOIS SAS etc | |

1. Transmission de la traduction au déposant.



Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre I).



Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre II).

2. Transmission d'une copie de la traduction aux offices désignés ou élus.

Le Bureau international notifie au déposant qu'une copie de cette traduction a été transmise aux offices désignés ou élus suivants qui exigent la traduction en question:

Aucun

Les offices désignés ou élus suivants ayant renoncé à l'exigence selon laquelle la transmission doit être effectuée à cette date recevront une copie de cette traduction du Bureau international seulement à leur demande:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du Guide du déposant du PCT pour de plus amples renseignements.

| | |
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| Bureau international de l'OMPI 34, chemin des Colombettes 1211 Genève 20, Suisse n° de télécopieur+41 22 740 14 35 | Fonctionnaire autorisé Athina Nickitas-Etienne n° de télécopieur+41 22 338 89 95 |
|---|--|

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

| | | | |
|--|--|---|----------------------------|
| Référence du dossier du déposant ou du mandataire VALS 929 B PCT | POUR SUITE À DONNER | | Voir le point 4 ci-dessous |
| Demande internationale no. PCT/FR2004/001789 | Date du dépôt international (<i>jour/mois/année</i>) 08 July 2004 (08.07.2004) | Date de priorité (<i>jour/mois/année</i>) 10 July 2003 (10.07.2003) | |
| Classification internationale des brevets (8 ^e édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237 | | | |
| Déposant VALOIS SAS | | | |

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 5 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- | | | |
|-------------------------------------|---------------|---|
| <input checked="" type="checkbox"/> | Cadre n° I | Base de l'opinion |
| <input type="checkbox"/> | Cadre n° II | Priorité |
| <input type="checkbox"/> | Cadre n° III | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle |
| <input type="checkbox"/> | Cadre n° IV | Absence d'unité de l'invention |
| <input checked="" type="checkbox"/> | Cadre n° V | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/> | Cadre n° VI | Certains documents cités |
| <input type="checkbox"/> | Cadre n° VII | Certaines irrégularités relevées dans la demande internationale |
| <input type="checkbox"/> | Cadre n° VIII | Certaines observations relatives à la demande internationale |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

| | |
|---|--|
| Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 740 14 35 | Date d'établissement du présent rapport 29 May 2006 (29.05.2006) Fonctionnaire autorisé <p style="text-align: center; font-weight: bold;">Athina Nickitas-Etienne</p> no de téléphone : +41 22 338 89 95 |
|---|--|

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

VALS 929 B PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2004/001789

International filing date (day/month/year)

08.07.2004

Priority date (day/month/year)

10.07.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

VALOIS SAS

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001789

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001789

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| Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
| 1. Statement | | | |
| Novelty (N) | Claims | 1-10 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-10 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-10 | YES |
| | Claims | | NO |
| 2. Citations and explanations: | | | |
| <p>1 Reference is made to the following documents in the present notification:</p> <p>D1: US 5 385 303 A (BENGE WILLIAM D <i>ET AL.</i>) 31 January 1995 (1995-01-31)</p> <p>D2: GB 913 103 A (SPECIALITY VALVES LTD) 19 December 1962 (1962-12-19)</p> | | | |
| <p>2.1 Document D1 describes (the references between parentheses apply to this document) a fluid product dispensing head comprising a body (see figure 2, 3, reference 29) defining a dispensing channel and an outer ring (see figure 2, 3, reference 19), the top part of which is closed. The ring is mounted on the body via the top. When a user applies a downward thrust force on the ring, this force will be directed indirectly towards the valve (see figure 2, 3, reference 6) by the body.</p> | | | |
| <p>2.2 Document D1 describes (the references between parentheses apply to this document) a fluid product dispensing head comprising a body (see figure 1, reference 16) defining a dispensing channel (see figure 1, reference 22) and an outer ring (see</p> | | | |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/001789

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

figure 1, reference 29), the top part of which is open. The ring is mounted on the body via the top. When a user applies a downward thrust force on the body, this force will be directed directly towards the valve (see figure 1, reference 12). During application of this thrust force, the ring is not moved relative to the container.

- 3 Therefore, the subject matter of claim 1 differs from these fluid product dispensing heads known from documents D1 and D2 in that the ring comprises stop means, the body defining a support surface in abutting contact with the stop means, the body being insertible axially from the top into the ring (see characterizing part).
- 4 The problem that the present invention is intended to solve can thus be considered to be that of producing a dispensing head in which the fixing between the ring and the body is more reliable (see page 1, lines 19-21).
- 5 The solution to this problem, as proposed in claim 1 and dependent claims 2 to 10 of the present application, appears to be novel (PCT Article 33(2)), to involve an inventive step (PCT Article 33(3)) (to not be obvious) and to be industrially applicable (PCT Article 33(4)).